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13 Attorneys for Defendants

14
15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA

17 SHAHID KHAN, }
18 Plaintiff, } No. 08-cv-1398 (SC)
19 v. }
20 JONATHAN SCHARFEN, }
21 Acting Director, United States Citizenship }
22 and Immigration Services, }
23 Defendant. }

24 STIPULATION TO HOLD
25 MATTERS IN ABEYANCE

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27 Defendant Jonathan Scharfen and Plaintiff Shahid Khan hereby stipulate to hold matters
28 in abeyance in the above-referenced case for a period of sixty (60) days from the date of issuance
of an order granting the stipulated abeyance. Defendant also agrees to respond to Plaintiff's First
Amended Complaint for Declaratory Judgment and Injunction at the close of this sixty (60) day
period. In further support thereof, the parties say as follows:

1. On September 24, 2001, Plaintiff was granted asylum. On March 3, 2008, he was
denied adjustment of status based on inadmissibility as a person who has engaged in terrorist
activity under INA § 212(a)(3)(B)(i)(I), 8 U.S.C. § 1182(a)(3)(B)(i)(I).
2. On April 23, 2008, USCIS reopened the matter of Plaintiff's adjustment of status.

1 3. On August 14, 2008, Plaintiff filed his First Amended Complaint for Declaratory
2 Judgment and Injunction, which alleges that the delay in adjudication his adjustment of status
3 application violates 5 U.S.C. § 555(b), 8 U.S.C. § 1159(b), and 8 C.F.R. § 209.2.

4 4. Both parties recognize that the Consolidated Appropriations Act of 2008, Pub. L. No.
5 110-161, Div. J, section 691(a), 121 Stat. 1844 (Dec. 26, 2007), provides expanded discretionary
6 authority for the Secretary of Homeland Security to exempt certain terrorist-related
7 inadmissibility grounds as they relate to undesignated terrorist organizations as defined under the
8 Immigration and Nationality Act (INA) section 212(a)(3)(B)(vi)(III), 8 U.S.C. §
9 1182(a)(3)(B)(vi)(III).

10 5. Defendants are actively pursuing efforts to complete the adjudication of Plaintiff's
11 adjustment of status application within sixty (60) days from the issuance of the abeyance order
12 requested herein.

13 6. In the interest of judicial economy, the potential for adjudication of Plaintiff's
14 adjustment of status application within sixty (60) days from the date of issuance of the abeyance
15 order requested herein merits grant of the abeyance.

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1 WHEREFORE, with good cause having been shown, the parties hereby request that this
2 Court issue an order granting an abeyance of matters in this case for a period of sixty (60) days
3 from the date of issuance of the abeyance order.

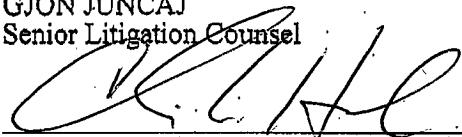
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5 Dated: August 19, 2008

Respectfully submitted,

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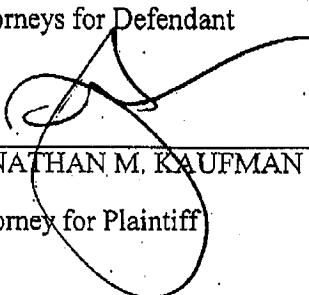
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14 By:

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26 Attorney for Plaintiff
27

28 ORDER

Pursuant to stipulation, IT IS SO ORDERED.

Dated this 19 day of August, 2008

STIPULATION TO HOLD MATTERS IN ABEYANCE
No. 08-cv-1398 (SC)

